

Message Text

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17
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E.O. 11652: N/A
TAGS: CGEN, US, UN GW
SUBJ: KOBELSKI CASE

USUN 4307, 495, 366 AND 242

1. SUMMARY: FRG MISSION HAS REQUESTED WE MAKE SUGGESTION OF IMMUNITY IN AUTOMOBILE ACCIDENT CASE CURRENTLY PENDING AGAINST FRG MISSION. WE INTEND UNLESS DEPT PERCEIVES OBJECTION SUGGEST TO FRG MISSION THAT SINCE DAMAGES CLAIM DOES NOT EXCEED THEIR INSURANCE COVERAGE THAT THEY NOT INSIST ON CLAIM OF IMMUNITY.

2. FRG PERM REP VON WECHMAR HAS WRITTEN US REQUESTING SUGGESTION OF IMMUNITY BE MADE IN CASE OF KOBELSKI V. FRG MISSION. VON WECHMAR SAYS HE INFORMED BY INSURANCE COMPANY THAT LATTER HAS MADE EFFORTS TO SETTLE MATTER BUT KOBELSKI HAS NOT BEEN COOPERATIVE. FRG MISSION AND INSURANCE COMPANY BELIEVE KOBELSKI TRYING BUILD BIG CLAIM OUT OF MINOR MISHAP.

3. WE OBVIOUSLY UNABLE COMMENT ON MERITS OF MATTER OR WHETHER INSURANCE COMPANY HAS MADE GOOD FAITH EFFORT SETTLE MATTER. WE DO KNOW KOBELSKI WAS STRUCK BY FRG MISSION CAR THAT WAS BACKING UP WRONG WAY ON ONE-WAY STREET. WE ALSO KNOW KOBELSKI WAS RELEASED AFTER BEING TREATED AT BELLEVUE HOSPITAL AND THAT POLICE REPORT AT TIME OF ACCIDENT WAS TO EFFECT THAT KOBELSKI SUFFERED BRUISED BUT
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NOT FRACTURED LEG.

4. LAWYERS FOR FRG MISSION WHO REPRESENT INSURANCE COMPANY ASSERTED IMMUNITY ON THEIR OWN IN LOWER COURT, LOST AND HAVE APPEALED IMMUNITY ISSUE TO NY APPELLATE DIVISION COURT (INTERMEDIATE APPELLATE COURT).

5. WHILE WE BELIEVE FRG MISSION IN POSITION INSIST WE INTERPOSE IMMUNITY DEFENSE WE INTEND SEEK TO CONVINCE THEM IT NOT IN THEIR INTEREST TO ASSERT IMMUNITY. WE WOULD EXPLAIN THAT WE REQUIRE ALL OFFICIAL VEHICLES BE COVERED BY INSURANCE SO THAT ANY DAMAGES THAT MAY RESULT FROM ACCIDENTS WILL BE COVERED. WE WOULD FURTHER SUGGEST THAT FRG IMAGE IN NEW YORK AND THAT OF DIPLOMATIC COMMUNITY AS A WHOLE COULD BE SERIOUSLY ADVERSELY AFFECTED BY ASSERTION OF IMMUNITY IN CASE WHERE MISSION CAR IS ALLEGED TO HAVE BEEN DRIVING BACKWARD WRONG WAY ON BUSY ONE-WAY THOROUGHFARE.

6. IF DEPT PERCEIVES OBJECTION TO ABOVE WOULD APPRECIATE DEPT ADVISING US WHETHER WE MAY INFORM FRG MISSION SUGGESTION OF IMMUNITY WILL BE ENTERED. (COPY OF REQUEST FOR IMMUNITY FROM FRG PERMREP VON WECHMAR POUCHED HAGE (IO/UNP).

SCRANTON

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